



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CCB/171433

PRELIMINARY RECITALS

Pursuant to a petition filed January 13, 2016, under Wis. Admin. Code, §HA 3.03(4), to review a decision by the Portage County Dept. of Human Services to deny child care assistance, a hearing was held on February 16, 2016, by telephone.

The issue for determination is whether petitioner failed to verify income.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

I

Respondent:

Department of Children and Families
201 East Washington Avenue, Room G200
Madison, Wisconsin 53703

By: [REDACTED]
Portage County Dept. of Human Services
817 Whiting Avenue
Stevens Point, WI 54481-5292

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Portage County.
2. Petitioner applied for child care on November 24, 2015 seeking authorization back to November 9. The household is petitioner, her boyfriend, and their two children.
3. On December 3, 2015 the county requested verification in the form of pay stubs from the past 30 days for petitioner and her boyfriend, with a due date of December 28, 2015. See Exhibit 2.

4. On December 22 petitioner dropped off her last two pay stubs but only her boyfriend's last pay stub because she mistakenly thought she only needed to drop off the most recent one.
5. By a notice dated December 28, 2015, the county denied child care because petitioner did not provide sufficient verification.

DISCUSSION

A parent is eligible for child care services if she needs the care to attend Wisconsin Works (W-2) approved school, to work, or to participate in W-2 activities. Wis. Stat., §49.155(1m)(a); W-2 Manual, §15.2.0. If both parents are in the household both must be working or attending W-2 activities. Wis. Admin. Code, §DCF 101.26(1).

A child care applicant must verify certain information including income. Department policy requires pay stubs from the last 30 days. Wisconsin Shares Child Care Subsidy Policy Manual, §1.6.2.2. Applicants are notified of the necessary verification items along with a due date. Manual, §1.6.6. If verification is not received by the due date, the application should be denied. Manual, §1.6.7. If the applicant has made a reasonable effort and cannot obtain the information, the agency must assist the applicant in obtaining the verification, Manual, §1.6.8. If the applicant is able to produce the verification, but refuses or fails to do so, eligibility does not exist. Manual, §1.6.9.

Under a strict reading of the policy the denial of child care in this instance was correct. Petitioner was informed of the items needed for verification and the due date, and she did not provide the items by the due date. That said, it is clear that she was cooperating with the process. She provided verification but mistakenly left out one item. It was evident to the county worker that one piece of verification was missing, and it would have taken a simple telephone call to let petitioner know that she was missing a pay stub. While county workers have many duties, one of the duties is to assist applicants. I disagree with the county action in this case; it amounts to saying "gotcha." Yes, it is true that the verification letter told petitioner what she needed to provide, and it is true that petitioner did not provide exactly what the letter said. Nevertheless, she cooperated with the process and should not be penalized due to such an obvious a mistake in meeting the requirements.

I will remand the matter to complete processing the November 24 application, and petitioner should provide the missing pay stub. I understand that the application will cover only November and December eligibility because petitioner's boyfriend stopped working in late December.

CONCLUSIONS OF LAW

The county incorrectly denied petitioner's application because petitioner was attempting to cooperate with the verification process and the county failed to assist her when she mistakenly left out one verification item.

THEREFORE, it is

ORDERED

That the matter be remanded to the county with instructions to reopen and process petitioner's November 24, 2015 child care application, allowing her to provide the missing pay stub from her boyfriend's employment, and to determine eligibility for child care for the months of November and December, 2015. The county shall take the action within ten days of this decision subject to any delay for petitioner's provision of the verification.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Children and Families, 201 East Washington Avenue, Room G200, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 23rd day of February, 2016

\sBrian C. Schneider
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on February 23, 2016.

Portage County Department of Human Services
Child Care Benefits